UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	Decision on Petition Under 37 CFR § 10.2(c)

MEMORANDUM AND ORDER

("Petitioner") seeks review of the decision of the Director of the Office of Enrollment and Discipline ("OED Director") disapproving Petitioner's application for registration to practice before the United States Patent and Trademark Office ("USPTO") in patent cases. The OED Director disapproved Petitioner's application based on his failure to sustain his burden of establishing that he is of good moral character and repute. For the reasons stated below, the OED Director's decision is affirmed.

I.

PROCEDURAL HISTORY

Petitioner filed an application for the April 1999 registration examination on January 8, 1999[1]. He took and passed the exam. In response to question 6 on the application form, Petitioner indicated that he had previously been arrested, charged, or held by law enforcement for violation of law. After the April 1999 examination, OED sought additional information from Petitioner, ultimately issuing three Requirements for Information concerning the arrests, the circumstances surrounding them, and Petitioners' application to the Connecticut Bar. On February 28, 2000, OED issued a Show Cause Requirement to Petitioner to explain why his

[1] Petitioner took, but did not pass the 1996 and 1997 examinations. Petitioner applied for the 1998 examination, but his application was rejected for insufficient fees.

application should not be disapproved because of his failure to establish that he possessed good moral character and repute. On June 22, 2000, Petitioner responded to the Show Cause Requirement through counsel.

On August 9, 2000, the OED Director issued his decision denying Petitioner enrollment pursuant to 35 U.S.C. § 2 and 37 C.F.R. § 10.7(a)(2)(i) because he failed to sustain his burden of establishing that he is of good moral character and repute. The OED Director based his decision on Petitioner's admitted abuse of cocaine and his lack of candor regarding this and related matters.

Specifically, the OED Director determined that Petitioner had abused cocaine as recently as July 1999. The OED Director also determined that Petitioner had not been entirely candid with OED and with the Connecticut Bar Examining Committee. Finally, the OED Director determined that Petitioner failed to establish sufficient reform and rehabilitation. Petitioner seeks review by the USPTO Director of the OED Director's Decision.

II.

LEGAL STANDARDS

Title 35 U.S.C. § 2(b)(2) states in pertinent part that the USPTO:

> "may require [agents, attorneys, or other persons representing applicants or other parties before the USPTO], before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation . . . ."

(emphasis added). Pursuant to the statute, Petitioner bears the burden of showing that he is of good moral character and reputation.

In accordance with statute, the USPTO Director promulgated 37 C.F.R. § 10.7, which states in pertinent part:

"(a) No individual will be registered to practice before the Office unless he or she shall:

. . . .

(2) Establish to the satisfaction of the Director [of OED] that he or she is:
(i) Of good moral character and repute . . . ."

This regulation effectuates the USPTO Director's recognized duty to ensure that those representing members of the public before the USPTO in patent cases will do so with the highest degree of candor and good faith in order to protect the public.

> "'By reason of the nature of an application for patent, the relationship of attorneys to the Patent Office requires the highest degree of candor and good faith. In its relation to applicants, the Office . . . . must rely upon their integrity and deal with them in a spirit of trust and confidence . . . .' It was the Commissioner, not the courts, that Congress made primarily responsible for protecting the public from the evil consequences that might result if practitioners should betray their high trust."

Kingsland v. Dorsey, 338 U.S. 318, 319-320 (1949) (quoting with approval from Dorsey PTO case.) Accord Cupples v. Marzall, 101 F. Supp. 579, 583, 92 USPQ 169, 172 (D.D.C. 1952) ("primary responsibility for protection of the public from unqualified practitioners before the Patent Office rests in the Commissioner of Patents"), aff'd, 204 F.2d. 58, 97 USPQ 1 (D.C. Cir. 1953, quoted with approval in Gager v. Ladd, 212 F. Supp. 671, 673, 136 USPQ 627, 628 (D.D.C. 1963).

III.

OPINION

A. Background

Petitioner was arrested on May 27, 1998, and charged with burglary, criminal trespass, and menacing. He was arrested again on May 29, 1998, and charged with assault, attempted assault, and harassment. He was arrested a third time, on August 28, 1998, and charged with

grand larceny. He was arrested a fourth time on April 7, 1999, and charged with criminal possession of a controlled substance. On all four occasions, the charges were ultimately dismissed.

In his submissions to OED, Petitioner explained that the first and third arrests resulted from false accusations made by persons in the where he had come to buy cocaine. Petitioner further explained that the second arrest occurred when he was in court awaiting a hearing after his first arrest and another defendant accused Petitioner of tripping him.

Petitioner asserted in his response to the First Requirement for Information ("First Response") that he developed a cocaine addiction during his fourth year of law school (he graduated from law school in June 1998). (First Response at second unnumbered page). On June 2, 1998, shortly after his first two arrests, Petitioner met with a social worker associated with the Employee Assistance Programs (EAP) at his wife's place of employment. Petitioner believes that he told the social worker that he had a drug habit, but not specifically that he used cocaine. (Response to Second Requirement for Information ["Second Response"] at 19). He also discussed the anxiety he felt as a result of his mother's death from cancer. The social worker recommended that Petitioner see a doctor for treatment of his anxiety, and recommended a private counselor for help with his drug habit. Petitioner visited a doctor who prescribed a 15-day supply of a beta-blocker for his anxiety. Petitioner did not find the medication effective and did not return to the doctor. Petitioner did not visit the private counselor because he felt that doing so would be too expensive. (Id. at 19-21).

On September 9, 1998, following his third arrest, Petitioner returned to the EAP social worker. At this point Petitioner stated that he had a cocaine problem, and the social worker referred him to a private counselor. Petitioner attended about four sessions, and then discontinued treatment. (Second Response at 21). Petitioner has made various statements regarding his decision to stop seeing the counselor. Petitioner first stated that "the expense and time was interfering with my new job as well as my court dates, and lawyer meetings relating to the first case." (First Response at second unnumbered page). Petitioner later asserted that he discontinued meeting with the private counselor because he felt that the treatment was not helping, and that he understands in retrospect that his condition was more amenable to a group counseling environment than individual counseling. (Petitioner's Statement in Response to Show Cause Requirement ["Show Cause Statement"] at 27).

After discontinuing visits to the private counselor, Petitioner did seek other sources of treatment, ultimately contacting Cocaine Anonymous in December 1998 and obtaining information on meeting locations and times. According to Petitioner, "[a]t this point I immersed myself studying and working and did not get a chance to attend any meetings. At this point, however, I was not using." (Second Response at 22).

On July 3, 1999, Petitioner was admitted as an outpatient to : for treatment for substance abuse. The treatment involved group therapy sessions three evenings a week, individual counseling once a month, and random drug and alcohol testing. He successfully completed treatment on May 8, 2000, and formally graduated from the program on June 8, 2000. has indicated that Petitioner was subjected to random urine testing during the course of his treatment, and that "all randomly drawn urines tested negative for drugs

and alcohol." It further noted that:

> It is our evaluation that Mr. understands fully that he can't do even a little drugs or alcohol in the future. It is also our judgment that Mr. s treatment has afforded him the opportunity to acquire a battery of skills and strategies to successfully cope with any impulse to abuse, or to cope with other stresses which he will encounter in life.

(Show Cause Statement, Exhibit A at 2).

B. Lack of Candor

On June 1, 1999, Petitioner applied to take the July 1999 Connecticut Bar examination. The OED Director reasonably determined that Petitioner provided incorrect answers to several questions on the Connecticut application.

Question 35

Question 35 on the Connecticut application read: "Have you ever held or applied for a license or permit, other than as an attorney at law, the procurement of which required proof of good character (e.g. CPA, patent agent, real estate broker)?" Petitioner answered this question in the negative.

As of June 1999, Petitioner had applied for the 1996, 1997, and 1998 USPTO examinations, and was awaiting the results of the 1999 examination. Petitioner alleges that he did not know that applying for registration as a patent agent required proof of good character. As Petitioner correctly notes, the USPTO application for registration does not make reference to 37 U.S.C. § 10.7(a)(2)(i). However, the application does ask a number of questions that are plainly directed toward the good character of the applicant. Further, "patent agent" was specifically listed in question 35 of the Connecticut Bar application as an example of a license or permit which requires proof of good character. The OED Director reasonably discounted

Petitioner's explanation of his answer. While Petitioner did reveal his 1999 USPTO application in his January 3, 2000, reapplication to Connecticut, he failed even at this time to reveal his earlier USPTO applications. Even if this belated disclosure had been complete, however, it would not have negated the fact that Petitioner was less than candid on his original Connecticut application.

Question 40

Question 40 on the Connecticut application read: "Have you ever been addicted to or dependent on any drug, including alcohol?" Petitioner answered this question in the negative.

Petitioner's position is that he was in denial of his addiction at the time he completed the Connecticut application and genuinely believed that he was not addicted to or dependent on cocaine. Petitioner argues:

> "Prior to July of 1999, Petitioner would have acknowledged that he had a cocaine problem, but he would have denied that he was a drug addict or that he had a drug dependency problem since he believe [sic] that he was using cocaine to numb his emotional pain, i.e. 'medicate his anxiety,' in a manner similar to the way alcoholics find drinking alcohol numbs their emotional pain to mask the stresses of life."

(Petition at 4, note 2).

Even assuming that Petitioner could have satisfied his duty of candor to the Connecticut Bar Examining Committee by relying on the fine line between having a "cocaine problem" and having a "drug dependency problem," this explanation is unsupported by the record. Petitioner stated that his four arrests "stem[med] from a cocaine addiction that [he] developed during [his] fourth year of law school. (First Response at second unnumbered page). While this statement was made on August 21, 1999 (after Petitioner's original Connecticut application but before his

reapplication), the record also contains evidence that petitioner recognized his cocaine problem even before the original Connecticut application.

Petitioner stated that he told the private counselor in June and/or September 1998 that he "was using cocaine and was seeking to eliminate this scourge from [his] life." (Id). Further, Petitioner has related to OED that:

> "I did specify to [the EAP social worker] during my session [in September 1998] that I had a cocaine problem and that I was arrested because of my attempts to feed this habit. I told her that I had to see someone no matter how much it cost. I told her that I realized at the time that it would be much more expensive not too [sic], since my life and dreams were falling apart because of the addiction."

(Second Response at 20).

Finally, Petitioner stated that he had told the private counselor [sometime between September and November 1998] that he "had a cocaine habit, that [he] had been arrested because of it and needed to remedy the problem immediately." (Id at 21).

Petitioner subsequently explained that he was in denial concerning his addiction until July 2000, when he entered . (Show Cause Statement at 38). However, in that same Show Cause statement, Petitioner set forth the above statement from page 20 of Second Response in a footnote, but did not disavow it or explain the inconsistency between the quoted statement and his subsequent assertion that he was in denial during the time period (September 1998) when he saw the social worker. (Show Cause Statement at 43, footnote 17).

In his Petition for Review, Petitioner argues:

> ". . . at the time he prepared his responses to the First and Second Requirement for Information, Petitioner has come to admit, through the , that he had a drug addiction. Therefore, his recollection of the content of his conversations with are laced with characterizations of his cocaine problem as being an "addiction" or "habit" as he understood his

problem at the time he prepared the responses. The responses do not state what was actually said to

(Petition at 33).

This argument does not explain why Petitioner's asserted subsequent understanding of his condition would have changed his recollection of his allegedly factual conversations with the two professionals. More importantly, Petitioner's argument that his previous responses filed with OED do not reflect what was actually said is unsupported by any evidence of record. Aside from the argument in the petition to the USPTO Director, there is simply no suggestion that Petitioner's responses to OED's First and Second Requirement for Information do not accurately reflect his conversations with the two professionals. Further, if it were accepted that Petitioner's statements concerning the conversations were inaccurate, this in itself would raise serious questions concerning Petitioner's candor with OED. There is no evidence in the record that adequately explains Petitioner's response to Question 40 on the Connecticut bar application.

Question 41

Question 41 on the Connecticut application read: "Have you ever been treated for or counseled for substance abuse, including prescription drugs, illegal substances, or alcohol?" Petitioner answered the question in the negative.

As discussed above, Petitioner had been referred to the private counselor for treatment of his cocaine addiction, and had attended four or five counseling sessions. Through counsel, he now argues that, at the time he completed the application, "he did not believe that he had been counseled for substance abuse, but for his use of cocaine to cover his anxiety and depression." (Petition at 34). In other words, Petitioner argues that he believed he had been counseled for cocaine "use," not cocaine "abuse." Aside from the question of whether illegal use of a

controlled substance can be considered anything other than "abuse," Petitioner obviously sought counseling because he wanted to stop using cocaine and was unable to do so. Petitioner could not reasonably have believed that his cocaine use, which he recognized he could not stop without counseling, was anything other than cocaine abuse.

Question 45

Question 45 on the Connecticut application read:

> "Do you "currently" have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional or nervous disorder or condition) which in any way currently affects, or if left untreated could affect, your ability to practice law in a competent and professional manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a lawyer." (Emphasis added).

Petitioner answered the question in the negative. Petitioner argues that because his condition (whether he considered it cocaine addiction, depression, anxiety, or something else) did not affect his employment as a law clerk, his response was accurate. To begin with, Petitioner concedes that his addiction had a devastating effect on his personal life. "[Petitioner] was depressed, his marriage was in jeopardy and his relationships with his family had become pretty much non-existent." (Petition at 21). It is questionable that Petitioner believed that a condition with so profound an effect on his personal life could not, if left untreated, affect his ability to practice law. In any event, it is clear that Petitioner recognized, prior to submitting his Connecticut Bar application, that his condition could and did affect his work and ability to practice law. Petitioner has stated that his sessions with the private counselor were interfering with his new job. (First Response at unnumbered page 2). As discussed above, Petitioner also told the EAP social worker that his life and dreams were falling apart because of his addiction.

It was or should have been apparent to Petitioner that the condition from which he was suffering had the potential to affect his ability to practice law.

Connecticut Bar Reapplication

On January 3, 2000, Petitioner reapplied to take the February 2000 Connecticut Bar exam. Question 13 on the "reapplication" form read: "Since you filed your July 1999 bar application has there been any change in any other information supplied on your July 1999 Application For Admission To Practice As An Attorney in Connecticut? If so, explain on an attached Form 2." Petitioner answered this question in the negative. However, on January 7, 2000, Petitioner conveyed to OED that he had answered question 13 in the affirmative, and that he would be submitting amendments to his Connecticut application relating to the dismissal of charges in one of his arrests and to his past substance abuse and treatment. Petitioner also stated that he would promptly obtain a copy of the reapplication and provide it to OED. (Petitioner's Response to Third Requirement for Information ["Third Response"]). Petitioner did not provide the reapplication until his June 22, 2000, response to the Show Cause Requirement.

Attached to the present petition is a "Statement" by Petitioner attempting to explain the inconsistency between the Connecticut reapplication form and Petitioner's Third Response to OED. This Statement was not before the OED Director, and has not been considered here.[2]

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[2]Petitioner argues that the "Statement" responds to a new issue raised by OED on which he has not had the opportunity to be heard. However, the issue arose from a glaring inconsistency between Petitioner's Third Response and the Connecticut reapplication attached to Petitioner's Show Cause Statement. This inconsistency begged explanation, but Petitioner failed to explain it in his Show Cause Statement. In any event, the explanation Petitioner provides in his "Statement," that he inadvertently marked "no" instead of "yes" on the form and then inaccurately transcribed his "no" response as a "yes" in his notes is unconvincing. Even if Petitioner's "Statement" were given consideration, this would not change my decision.

37 C.F.R. 10.2(c).

Duty to Amend Connecticut Application

When Petitioner filed his Connecticut Bar application on June 1, 1999, he acknowledged (by copying a paragraph in his handwriting) his duty to amend his application if any of the answers he had given were no longer true. He also acknowledged that any such amendment would be considered timely if filed within 30 days of any occurrence that would change or render incomplete any answer on his application. He provided an identical acknowledgment January 3, 2000, when he reapplied for the February 2000 exam.[3]

As discussed above, on June 1, 1999, Petitioner answered Question 35 on the Connecticut application, which concerned whether he had made other applications requiring proof of good character, in the negative. On June 4, 1999, OED sent Petitioner a letter notifying him that he had passed the patent exam and asking for information on his four arrests. Even if he had previously believed that an application for registration as a patent agent did not require him to prove his good character, this letter was sufficient to put him on notice of the requirement. Accordingly, upon receipt of this letter, Petitioner knew or should have known that his answer to question 35 on the Connecticut Bar application was incorrect.

[3]After January 3, 2000, Petitioner's continuing duty could be viewed as a duty to amend any answer to his original application that was no longer accurate, a duty to amend his statement in the reapplication that there had been no change in the information contained in the original application, or both. Since the events that would trigger both duties and the actions that would be required to discharge them would be essentially identical, this decision will treat both as a single continuing duty.

Petitioner answered questions 40 and 41 on the Connecticut Bar application, concerning substance addiction and treatment therefor, in the negative. Petitioner admits that as of July 3, 1999, when he entered , he knew that he was addicted to cocaine and that he was being treated for that addiction. Accordingly, by this date Petitioner knew that his responses to questions 40 and 41 on the Connecticut Bar application were incorrect.

In addition, Petitioner had answered question 47 in the negative. That question read:

> Within the past five years, have you ever raised the issue of consumption of drugs or alcohol or the issue of a mental, emotional, nervous or behavioral disorder or condition as a defense, mitigation, or explanation for your actions in the course of any administrative or judicial proceeding or investigation; any inquiry or other proceeding; or any proposed termination by an educational institution, employer, government agency, professional organization, or licensing authority?

Petitioner's August 21, 1999, response to OED's First Requirement for Information asserted his cocaine addiction as an explanation of his four arrests. Thus, as of August 21, 1999, Petitioner's response to question 47 on the Connecticut Bar application was no longer correct.

Petitioner did not amend his Connecticut Bar application to correct these responses until July 20, 2000[4]. By this time, Petitioner had been notified that he did not pass the February 2000 exam. Thus, he no longer had an active application to the Connecticut Bar.

Petitioner admits that he failed to amend his Connecticut Bar application within the 30-day period. He explains that he was focused on recovering from his addiction rather than on his bar application. He does not, however, allege that the treatment for addiction prevented him from amending his Connecticut application. It should be noted in this context that Petitioner was able to make numerous filings with OED during the period between June 1999 and July 2000.

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[4]Petitioner did reveal the existence of his patent bar application in his January 3, 2000, reapplication to take the February 2000 Connecticut Bar exam.

Petitioner argues that OED has no authority to determine whether Petitioner's July 20, 2000, submission to the Connecticut Bar Examining Committee was timely, and that to date that Committee has made no such determination. Certainly only the Connecticut Bar Examining Committee can decide how it will treat Petitioner's July 20 submission[5]. However, it is Petitioner's candor that is at issue here, not the status of his application to the Connecticut Bar. The undisputed fact is that Petitioner knew that he had a duty to amend his Connecticut Bar application within a specified period of time, and that he failed to do so. This is sufficient to establish a lack of candor on Petitioner's part, regardless of how the Connecticut Bar Examining Committee might view the matter. The failure to amend his application is particularly serious because amendment was required to correct information that was false at the time Petitioner provided it[6] and because the failure persisted long after OED brought it to Petitioner's attention.

C. Discussion

Petitioner argues that his incorrect responses to the Connecticut Bar and his misrepresentation to OED were the result of carelessness rather than an intent to mislead or deceive, and that his failure to timely amend his Connecticut Bar application was simply procrastination. Petitioner cites the USPTO Director's decision in U.S. Patent and Trademark Office FOIA Reading Room, Final Decisions of the Office of the Director (Enrollment and Discipline), Moral 01, available at

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[5]Of course, Petitioner no longer has a pending application for the Connecticut Bar, so it is unlikely that the Committee will decide the timeliness of the submission.

[6]Even if all Petitioner's various explanations are taken at face value, it is undisputed that, at a minimum, Petitioner's answer to question 40 asserting that he did not suffer from substance addiction was objectively false.

http://www.uspto.gov/web/offices/com/sol/foia/oed/moral/mor01.pdf (last modified April 4, 2000) ("Moral 01") to support this proposition. In that decision, the applicant incorrectly answered a question on his 1991 application to take the PTO exam. In 1992, he continued the registration process by submitting a new registration form on which he sua sponte corrected his response to the question. This correction -- made without any prompting from OED -- was a critical factor in the USPTO Commissioner's decision that the original incorrect response in Moral 01 was inadvertent. Moral 01 at 8.

Here, except for one significant lapse, Petitioner has been largely candid in providing information to OED. He did correct that lapse (his incorrect statement concerning his Connecticut Bar reapplication), by submitting a copy of the form, but this occurred only after a specific prompt in OED's Show Cause Requirement. However, Petitioner did not correct his numerous misstatements to the Connecticut Bar until July 20, 2000, after repeated prompting from OED and after his Connecticut Bar application was no longer active. In fact, not only did Petitioner not promptly correct his Connecticut Bar application after OED pointed out the errors and his continuous duty to amend the application, but he made a further affirmative misstatement to the Connecticut Bar in his January 2000 reapplication.

The ultimate goal assessing the good moral character of applicants to the patent bar is to admit only those who will conduct themselves with the "highest degree of candor and good faith." Kingsland v. Dorsey, 338 U.S. at 319. Petitioner's lack of candor with respect to his Connecticut Bar application places into serious question his ability and willingness to display an adequate level of candor in practice before the USPTO. See In re Regent, 741 A.2d 40 (D.C. Court of Appeals, 1999) (attorney disbarred for making false statements on bar applications of

other jurisdictions); Moral 01 at 8 ("As to Petitioner's conduct relating to lack of candor, such conduct would rise to the level of actions reflecting moral turpitude").

Here, with respect to both his original Connecticut application and his Connecticut reapplication, Petitioner expressly acknowledged that: "I . . . understand that any false, misleading or evasive response on my bar application is inconsistent with the truthfulness and candor required of a practicing attorney and may be grounds for a finding of a lack of the requisite character and fitness for membership in the Connecticut bar." Thus, Petitioner was explicitly required to live up to the level of candor expected of a legal petitioner. He failed to do so. Petitioner's lack of candor before the Connecticut Bar reflects directly on his fitness to practice before the USPTO. The OED Director correctly concluded that Petitioner has not established that he is of good moral character and repute[7].

D. Lack of Sufficient Rehabilitation

Petitioner has not demonstrated sufficient rehabilitation to establish good moral character and reputation. With regard to applying for admission to a bar and the question of whether sufficient rehabilitation has occurred, it has been held that the following criteria are relevant:

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[7]The OED Director held that, particularly in light of Petitioner's earlier failed attempts at addressing his drug abuse, including his discontinuance of treatment with the private counselor, Petitioner's recent completion of treatment at the was not sufficient to establish an adequate track record of recovery. While he appears to have remained drug-free during his treatment at the he has presented neither a medical prognosis for his continued recovery nor evidence that he is undergoing follow-up testing or continued care. Especially in view of Respondent's earlier failed attempts at treatment, there is a legitimate question as to whether he adequately demonstrated recovery. In view of the above determination concerning Respondent's lack of candor, however, it is not necessary to determine whether Respondent's cocaine abuse alone would preclude him from establishing good moral character.

"(1) [C]ommunity service and achievements, as well as the opinions of others regarding present character; (2) candor before the court; (3) the age of the applicant at the time of the offenses; (4) the amount of time which has passed since the last offense; (5) the nature of the offenses; and (6) the applicant's current mental state."

In re Loss, 119 Ill.2d 186, 196, 518 N.E.2d 981, 985 (1987). Quoted with approval in In re Childress, 138 Ill.2d 87, 100, 561 N.E.2d 614, 620 (1990). Accord In re Application of G.L.S., 292 Md. 378, 397-98, 439 A.2d 1107, 1117-18 (1982).

Here, a significant factor in the analysis is the short amount of time that has passed since Petitioner's misconduct. See In re Mustafa, 631 A.2d 45 (D.C. Court of Appeals, 1993) (applicant denied admission to D.C. bar two years after misconduct in last year of law school, based largely on recency of conduct). Petitioner made material misstatements to the Connecticut Bar in June 1999 and to both the Connecticut Bar and OED in January 2000. Despite repeatedly acknowledging a continuing duty to amend his Connecticut application, he failed to correct his misstatements until July 20, 2000, less than one month before the OED Director's final decision.

Petitioner has submitted statements from his father, his wife, his former employer, and a practicing attorney attesting to his good character. He has been largely, but not entirely, candid with OED. However, Petitioner has had little opportunity to demonstrate rehabilitation. In fact, the statements Petitioner submitted to establish his good moral character were submitted while he was still in breach of his duty to amend his Connecticut Bar application. The OED Director reasonably determined that Petitioner has failed to demonstrate that he is currently of good moral character.

IV.

CONCLUSION

In light of Petitioner's lack of candor as discussed above, the OED Director's decision is reasonable and well-based on the evidence in the record. The OED Director's decision is hereby AFFIRMED.

ORDER

Upon consideration of the petition to the USPTO Director for registration to practice before the USPTO in patent cases, it is

ORDERED that the petition is denied.

MAY - 3 2001

Nicholas P. Godici
Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office

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